



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

MASCENIC EDUCATION ASSOCIATION,
NEA-NEW HAMPSHIRE

Petitioner

and

MASCENIC REGIONAL SCHOOL
DISTRICT, SAU #63

Respondent

CASE NO. T-0341:1

DECISION NO. 83-13

HEARING OFFICERS

Robert E. Craig
Seymour Osman

APPEARANCES

Representing Mascenic Education Association, NEA-N.H.

Craig Farrell

Representing Mascenic Regional School District

Vincent J. Franco

Also Present

Nathalie Blackie
Phyllis Johnson
Joanne Dunleavy
Wally Cumings

BACKGROUND

On September 1, 1982, the Mascenic Education Association, NEA-New Hampshire filed a petition with the PELRB asking for a modification of the existing bargaining unit in order to include the school nurses (2) in the unit. They claimed that the conditions surrounding the operation of the original unit had changed substantially and that these changes had adverse effects on the working conditions of the school nurses.

The School Administrative Unit #63 disagreed with the proposed modification on the grounds that (1) the existing agreement excludes nurses specifically; (2) the existing agreement does not expire until June 30, 1984; and (3) any modifications of the existing agreement should be undertaken in accordance with the provisions of the agreement, specifically Article II, Section A.

A hearing was held at the PELRB's office in Concord on April 26, 1983 with Chairman Craig and member Osman sitting as hearing officers with the agreement of both parties.

FINDINGS OF FACT AND RULINGS OF LAW

At hearing, testimony and exhibits clearly established that, beginning in early May of 1982 the school nurses had experienced substantial change:

- (1) the previous practice of handling their contracts which had been modified teacher contracts and were now "notice to employees";
- (2) their expected salaries, (which had been tied to teacher schedules and now were not) and;
- (3) the administration of sick leave (which had been 15 days annually and were now 1½ days earned per month).

Testimony by School Superintendent Franco indicated that the School Board did deliberately decide to change past practice with respect to the school nurses and that most of the ensuing changes were the result of the decision.

DECISION

The PELRB recognizes that it is the final arbiter under law, in designating "the appropriate bargaining unit" and that its own rules and precedent have clearly established this jurisdiction, and that depending on mitigating and changed circumstances it can modify bargaining units that have been previously certified.

It is the decision of the hearing officers that events having resulted in the substantial alteration of the circumstances and past practices surrounding a previously formed unit and there being a clear community of interest between school nurses and the other members of this unit, the modification of this unit to include the school nurses is approved and is so ordered.


ROBERT E. CRAIG, Chairman


SEYMOUR OSMAN, Board Member

Signed this 3rd day of May 1983.